

REMARKS

Claims 1-3, 6-8 and 11-14 are pending in this application. By this Amendment, claims 2, 11 and 12 are amended. Claims 4, 5, 9 and 10 are canceled.

The courtesies extended to Applicant's representative by Examiner Evans at the interview held February 9, 2005, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

I. Allowable Subject Matter

Applicants note with appreciation that claims 3, 7 and 8 are allowable.

II. Rejection Under 35 U.S.C. §102(b)

A. Tanishiki

Claims 1, 4, 6, 9, 10, 11 and 12 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,180,908 ("Tanishiki"). This rejection is respectfully traversed.

The Patent Office alleges that Tanishiki describes electric discharge machining a passage through a work piece using a hollow electrode wherein a jig (allegedly corresponding to the recited discrete backing member) is positioned abutting a face of the work piece through which the electrode exits. The Patent Office further alleges that Tanishiki teaches that the concave portions or recesses in the jig are positioned opposite the breakthrough region on the face of the work piece.

Applicants submit that Tanishiki does not teach or suggest that the discrete backing is positioned abutting a face of the work piece through which the electrode exits, nor this construction so that at break through of said electrode through said work piece, the path of the flushing agent is not disrupted as recited in claims 1 and 6.

Instead, Tanishiki teaches that a recess or concave portion of a jig is positioned on one face of the work piece through which the electrode exits. See Figure 3 of Tanishiki. In other words, as acknowledged by the Patent Office, Tanishiki places the concave portions or recesses at the breakthrough region. Thus, the backing member (jig 14) does not abut the work piece at the electrode exit point as required in claims 1 and 6.

Furthermore, as a result of the presence of the concave portion at the breakthrough region, the Tanishiki structure would result in the path of the flushing agent being disrupted as the electrode breaks through the work piece. See Figure 3 of Tanishiki. Figure 3 of Tanishiki clearly demonstrates that upon breakthrough, the flushing agent flow is altered because the flushing agent must first fill the recess or concave portion of the jig prior to continuing along the prior path.

Thus, Applicants submit that Tanishiki does not teach or suggest that the discrete backing is positioned abutting a face of the work piece through which the electrode exits so that at break through of said electrode through said work piece the path of the flushing agent is not disrupted, as recited in claims 1 and 6.

Moreover, Tanishiki also does not teach or suggest the features recited in dependent claims 11 and 12. In particular, Tanishiki does not teach or suggest that the backing member is positioned to span and abut the entire breakthrough region on the face of the work piece through which the electrode exits. Instead, Tanishiki teaches that the jig is positioned without any portion abutting the breakthrough region of the work piece through which the electrode exits. The recess or concave portion of Tanishiki's work piece is located at the region through which the electrode exits. See Figure 3 of Tanishiki.

For the foregoing reasons, Applicants submit that Tanishiki does not teach or suggest the limitations recited in claims 1, 6, 11 and 12. Reconsideration and withdrawal of the rejection are thus respectfully requested.

B. Wilkinson

Claims 4, 5, 9 and 10 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent No. 4,159,407 ("Wilkinson"). This rejection is respectfully traversed.

Applicants point out that claims 4, 5, 9 and 10 have been canceled. As such, Applicants submit that this rejection is now moot.

Reconsideration and withdrawal of the rejection are thus respectfully requested.

C. Ben-Amoz

Claims 4, 5, 9 and 10 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent No. 4,923,371 ("Ben-Amoz"). This rejection is respectfully traversed.

Applicants point out that claims 4, 5, 9 and 10 have been canceled. As such, Applicants submit that this rejection is now moot.

Reconsideration and withdrawal of the rejection are thus respectfully requested.

III. Rejection Under 35 U.S.C. §103(a)

Claim 2 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Tanishiki in view of U.S. Patent No. 5,004,530 ("Tanaka"). This rejection is respectfully traversed.

Tanaka does not remedy the deficiencies of Tanishiki. In particular, Tanaka does not teach or suggest that the discrete backing is positioned abutting a face of the work piece through which the electrode exits so that at break through of said electrode through said work piece the path of the flushing agent is not disrupted as recited in claim 1.

As such, Applicants submit that Tanishiki and Tanaka, in combination or alone, do not teach or suggest the limitations recited in claim 2. Reconsideration and withdrawal of the rejection are thus respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3, 6-8 and 11-14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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